

# ASSEMBLY, No. 4985

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

**Sponsored by:**

**Assemblyman KEVIN J. ROONEY**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Assemblyman DAVID W. WOLFE**

**District 10 (Ocean)**

**SYNOPSIS**

Concerns parking reserved for charging plug-in electric vehicles.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning parking reserved for charging plug-in electric  
2 vehicles and amending R.S.39:1-1 and R.S.39:4-138.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. R.S.39:1-1 is amended to read as follows:

8 39:1-1. As used in this subtitle, unless other meaning is clearly  
9 apparent from the language or context, or unless inconsistent with  
10 the manifest intention of the Legislature:

11 "Alley" means a public highway wherein the roadway does not  
12 exceed 12 feet in width.

13 "Authorized emergency vehicles" means vehicles of the fire  
14 department, police vehicles and such ambulances and other vehicles  
15 as are approved by the chief administrator when operated in  
16 response to an emergency call.

17 "Autocycle" means a three-wheeled motorcycle designed to be  
18 controlled with a steering wheel and pedals in which the operator  
19 and passenger may ride in a completely or partially enclosed seating  
20 area that is equipped with a roll cage or roll hoops, safety seat belts  
21 for each occupant, and anti-lock brakes.

22 "Automobile" includes all motor vehicles except motorcycles.

23 "Berm" means that portion of the highway exclusive of roadway  
24 and shoulder, bordering the shoulder but not to be used for  
25 vehicular travel.

26 "Business district" means that portion of a highway and the  
27 territory contiguous thereto, where within any 600 feet along such  
28 highway there are buildings in use for business or industrial  
29 purposes, including but not limited to hotels, banks, office  
30 buildings, railroad stations, and public buildings which occupy at  
31 least 300 feet of frontage on one side or 300 feet collectively on  
32 both sides of the roadway.

33 "Car pool" means two or more persons commuting on a daily  
34 basis to and from work by means of a vehicle with a seating  
35 capacity of nine passengers or less.

36 "Chief Administrator" or "Administrator" means the Chief  
37 Administrator of the New Jersey Motor Vehicle Commission.

38 "Commercial motor vehicle" includes every type of motor-driven  
39 vehicle used for commercial purposes on the highways, such as the  
40 transportation of goods, wares and merchandise, excepting such  
41 vehicles as are run only upon rails or tracks and vehicles of the  
42 passenger car type used for touring purposes or the carrying of farm  
43 products and milk, as the case may be.

44 "Commission" means the New Jersey Motor Vehicle  
45 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-  
46 4).

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 "Commissioner" means the Commissioner of Transportation of  
2 this State.

3 "Commuter van" means a motor vehicle having a seating  
4 capacity of not less than seven nor more than 15 adult passengers,  
5 in which seven or more persons commute on a daily basis to and  
6 from work and which vehicle may also be operated by the driver or  
7 other designated persons for their personal use.

8 "Crosswalk" means that part of a highway at an intersection,  
9 either marked or unmarked existing at each approach of every  
10 roadway intersection, included within the connections of the lateral  
11 lines of the sidewalks on opposite sides of the highway measured  
12 from the curbs or, in the absence of curbs, from the edges of the  
13 shoulder, or, if none, from the edges of the roadway; also, any  
14 portion of a highway at an intersection or elsewhere distinctly  
15 indicated for pedestrian crossing by lines or other marking on the  
16 surface.

17 "Curb extension" or "bulbout" means a horizontal extension of  
18 the sidewalk into the street which results in a narrower roadway  
19 section.

20 "Dealer" includes every person actively engaged in the business  
21 of buying, selling or exchanging motor vehicles or motorcycles and  
22 who has an established place of business.

23 "Deputy Chief Administrator" means the deputy chief  
24 administrator of the commission.

25 "Driver" means the rider or driver of a horse, bicycle or  
26 motorcycle or the driver or operator of a motor vehicle, unless  
27 otherwise specified.

28 "Electric vehicle charging location" means a publicly accessible  
29 parking space or set of parking spaces, with visible signage  
30 designating that the parking space or spaces are available for use by  
31 the public for charging plug-in electric vehicles.

32 "Explosives" means any chemical compound or mechanical  
33 mixture that is commonly used or intended for the purpose of  
34 producing an explosion and which contains any oxidizing and  
35 combustive units or other ingredients in such proportions, quantities  
36 or packing that an ignition by fire, friction, by concussion, by  
37 percussion, or by detonator of any part of the compound or mixture  
38 may cause such a sudden generation of highly heated gases that the  
39 resultant gaseous pressures are capable of producing destructive  
40 effects on contiguous objects or of destroying life or limb.

41 "Farm tractor" means every motor vehicle designed and used  
42 primarily as a farm implement for drawing plows, mowing  
43 machines, and other implements of husbandry.

44 "Flammable liquid" means any liquid having a flash point below  
45 200 degrees Fahrenheit, and a vapor pressure not exceeding 40  
46 pounds.

47 "Gross weight" means the combined weight of a vehicle and a  
48 load thereon.

1 "High occupancy vehicle" or "HOV" means a vehicle which is  
2 used to transport two or more persons and shall include public  
3 transportation, car pool, van pool, and other vehicles as determined  
4 by regulation of the Department of Transportation.

5 "Highway" means the entire width between the boundary lines of  
6 every way publicly maintained when any part thereof is open to the  
7 use of the public for purposes of vehicular travel.

8 "Horse" includes mules and all other domestic animals used as  
9 draught animals or beasts of burden.

10 "Inside lane" means the lane nearest the center line of the  
11 roadway.

12 "Intersection" means the area embraced within the prolongation  
13 of the lateral curb lines or, if none, the lateral boundary lines of two  
14 or more highways which join one another at an angle, whether or  
15 not one such highway crosses another.

16 "Laned roadway" means a roadway which is divided into two or  
17 more clearly marked lanes for vehicular traffic.

18 "Leased limousine" means any limousine subject to regulation in  
19 the State which:

20 a. Is offered for rental or lease, without a driver, to be operated  
21 by a limousine service as the lessee, for the purpose of carrying  
22 passengers for hire; and

23 b. Is leased or rented for a period of one year or more  
24 following registration.

25 "Leased motor vehicle" means any motor vehicle subject to  
26 registration in this State which:

27 a. Is offered for rental or lease, without a driver, to be operated  
28 by the lessee, his agent or servant, for purposes other than the  
29 transportation of passengers for hire; and

30 b. Is leased or rented for a period of one year or more  
31 following registration.

32 "Limited-access highway" means every highway, street, or  
33 roadway in respect to which owners or occupants of abutting lands  
34 and other persons have no legal right of access to or from the same  
35 except at such points only and in such manner as may be  
36 determined by the public authority having jurisdiction over such  
37 highway, street, or roadway; and includes any highway designated  
38 as a "freeway" or "parkway" by authority of law.

39 "Local authorities" means every county, municipal and other  
40 local board or body having authority to adopt local police  
41 regulations under the Constitution and laws of this State, including  
42 every county governing body with relation to county roads.

43 "Low-speed vehicle" means a four-wheeled low-speed vehicle,  
44 as defined in 49 CFR s.571.3(b), whose attainable speed is more  
45 than 20 miles per hour but not more than 25 miles per hour on a  
46 paved level surface and which is not powered by gasoline or diesel  
47 fuel and complies with federal safety standards as set forth in  
48 49 CFR s.571.500.

1 "Magistrate" means any municipal court and the Superior Court,  
2 and any officer having the powers of a committing magistrate and  
3 the chief administrator.

4 "Manufacturer" means a person engaged in the business of  
5 manufacturing or assembling motor vehicles, who will, under  
6 normal business conditions during the year, manufacture or  
7 assemble at least 10 new motor vehicles.

8 "Metal tire" means every tire the surface of which in contact with  
9 the highway is wholly or partly of metal or other hard nonresilient  
10 material.

11 "Mid-block crosswalk" means a crosswalk located away from an  
12 intersection, distinctly indicated by lines or markings on the  
13 surface.

14 "Motorized bicycle" means a pedal bicycle having a helper motor  
15 characterized in that either the maximum piston displacement is less  
16 than 50 cc. or said motor is rated at no more than 1.5 brake  
17 horsepower or is powered by an electric drive motor and said  
18 bicycle is capable of a maximum speed of no more than 25 miles  
19 per hour on a flat surface.

20 "Motorcycle" includes motorcycles, autocycles, motor bikes,  
21 bicycles with motor attached and all motor-operated vehicles of the  
22 bicycle or tricycle type, except motorized bicycles as defined in this  
23 section, whether the motive power be a part thereof or attached  
24 thereto and having a saddle or seat with driver sitting astride or  
25 upon it or a platform on which the driver stands.

26 "Motor-drawn vehicle" includes trailers, semitrailers, or any  
27 other type of vehicle drawn by a motor-driven vehicle.

28 "Motor vehicle" includes all vehicles propelled otherwise than by  
29 muscular power, excepting such vehicles as run only upon rails or  
30 tracks and motorized bicycles.

31 "Motorized scooter" means a miniature motor vehicle and  
32 includes, but is not limited to, pocket bikes, super pocket bikes,  
33 scooters, mini-scooters, sport scooters, mini choppers, mini  
34 motorcycles, motorized skateboards and other vehicles with motors  
35 not manufactured in compliance with Federal Motor Vehicle Safety  
36 Standards and which have no permanent Federal Safety  
37 Certification stickers affixed to the vehicle by the original  
38 manufacturer. This term shall not include: electric personal  
39 assistive mobility devices, motorized bicycles or low-speed  
40 vehicles; or motorized wheelchairs, mobility scooters or similar  
41 mobility assisting devices used by persons with physical  
42 disabilities, or persons whose ambulatory mobility has been  
43 impaired by age or illness.

44 "Motorized skateboard" means a skateboard that is propelled  
45 otherwise than by muscular power.

46 "Motorized wheelchair" means any motor-driven wheelchair  
47 utilized to increase the independent mobility, in the activities of  
48 daily living, of an individual who has limited or no ambulation

1 abilities, and includes mobility scooters manufactured specifically  
2 for such purposes and designed primarily for indoor use.

3 "Noncommercial truck" means every motor vehicle designed  
4 primarily for transportation of property, and which is not a  
5 "commercial vehicle."

6 "Official traffic control devices" means all signs, signals,  
7 markings, and devices not inconsistent with this subtitle placed or  
8 erected by authority of a public body or official having jurisdiction  
9 for the purpose of regulating, warning, or guiding traffic.

10 "Omnibus" includes all motor vehicles used for the  
11 transportation of passengers for hire, except commuter vans and  
12 vehicles used in ridesharing arrangements and school buses, if the  
13 same are not otherwise used in the transportation of passengers for  
14 hire.

15 "Operator" means a person who is in actual physical control of a  
16 vehicle or street car.

17 "Outside lane" means the lane nearest the curb or outer edge of  
18 the roadway.

19 "Owner" means a person who holds the legal title of a vehicle, or  
20 if a vehicle is the subject of an agreement for the conditional sale or  
21 lease thereof with the right of purchase upon performance of the  
22 conditions stated in the agreement and with an immediate right of  
23 possession vested in the conditional vendee or lessee, or if a  
24 mortgagor of a vehicle is entitled to possession, then the conditional  
25 vendee, lessee or mortgagor shall be deemed the owner for the  
26 purpose of this subtitle.

27 "Parking" means the standing or waiting on a street, road or  
28 highway of a vehicle not actually engaged in receiving or  
29 discharging passengers or merchandise, unless in obedience to  
30 traffic regulations or traffic signs or signals.

31 "Passenger automobile" means all automobiles used and  
32 designed for the transportation of passengers, other than omnibuses  
33 and school buses.

34 "Pedestrian" means a person afoot.

35 "Person" includes natural persons, firms, copartnerships,  
36 associations, and corporations.

37 "Pneumatic tire" means every tire in which compressed air is  
38 designed to support the load.

39 "Pole trailer" means every vehicle without motive power  
40 designed to be drawn by another vehicle and attached to the towing  
41 vehicle by means of a reach, or pole, or by being boomed or  
42 otherwise secured to the towing vehicle, and ordinarily used for  
43 transporting long or irregularly shaped loads, such as poles, pipes,  
44 or structural members capable, generally, of sustaining themselves  
45 as beams between the supporting connections.

46 "Private road or driveway" means every road or driveway not  
47 open to the use of the public for purposes of vehicular travel.

1 "Railroad train" means a steam engine, electric or other motor,  
2 with or without cars coupled thereto, operated upon rails, except  
3 street cars.

4 "Recreation vehicle" means a self-propelled or towed vehicle  
5 equipped to serve as temporary living quarters for recreational,  
6 camping or travel purposes and used solely as a family or personal  
7 conveyance.

8 "Residence district" means that portion of a highway and the  
9 territory contiguous thereto, not comprising a business district,  
10 where within any 600 feet along such highway there are buildings  
11 in use for business or residential purposes which occupy 300 feet or  
12 more of frontage on at least one side of the highway.

13 "Ridesharing" means the transportation of persons in a motor  
14 vehicle, with a maximum carrying capacity of not more than 15  
15 passengers, including the driver, where such transportation is  
16 incidental to the purpose of the driver. The term shall include such  
17 ridesharing arrangements known as car pools and van pools.

18 "Right-of-way" means the privilege of the immediate use of the  
19 highway.

20 "Road tractor" means every motor vehicle designed and used for  
21 drawing other vehicles and not so constructed as to carry any load  
22 thereon either independently or any part of the weight of a vehicle  
23 or load so drawn.

24 "Roadway" means that portion of a highway improved, designed,  
25 or ordinarily used for vehicular travel, exclusive of the berm or  
26 shoulder. In the event a highway includes two or more separate  
27 roadways, the term "roadway" as used herein shall refer to any such  
28 roadway separately, but not to all such roadways, collectively.

29 "Safety zone" means the area or space officially set aside within  
30 a highway for the exclusive use of pedestrians, which is so plainly  
31 marked or indicated by proper signs as to be plainly visible at all  
32 times while set apart as a safety zone.

33 "School bus" means every motor vehicle operated by, or under  
34 contract with, a public or governmental agency, or religious or other  
35 charitable organization or corporation, or privately operated for the  
36 transportation of children to or from school for secular or religious  
37 education, which complies with the regulations of the New Jersey  
38 Motor Vehicle Commission affecting school buses, including  
39 "School Vehicle Type I" and "School Vehicle Type II" as defined  
40 below:

41 "School Vehicle Type I" means any vehicle designed to transport  
42 16 or more passengers, including the driver, used to transport  
43 enrolled children, and adults only when serving as chaperones, to or  
44 from a school, school connected activity, day camp, summer day  
45 camp, summer residence camp, nursery school, child care center,  
46 preschool center or other similar places of education. Such vehicle  
47 shall comply with the regulations of the New Jersey Motor Vehicle  
48 Commission and either the Department of Education or the

1 Department of Human Services, whichever is the appropriate  
2 supervising agency.

3 "School Vehicle Type II" means any vehicle designed to  
4 transport less than 16 passengers, including the driver, used to  
5 transport enrolled children, and adults only when serving as  
6 chaperones, to or from a school, school connected activity, day  
7 camp, summer day camp, summer residence camp, nursery school,  
8 child care center, preschool center or other similar places of  
9 education. Such vehicle shall comply with the regulations of the  
10 New Jersey Motor Vehicle Commission and either the Department  
11 of Education or the Department of Human Services, whichever is  
12 the appropriate supervising agency.

13 "School zone" means that portion of a highway which is either  
14 contiguous to territory occupied by a school building or is where  
15 school crossings are established in the vicinity of a school, upon  
16 which are maintained appropriate "school signs" in accordance with  
17 specifications adopted by the chief administrator and in accordance  
18 with law.

19 "School crossing" means that portion of a highway where school  
20 children are required to cross the highway in the vicinity of a  
21 school.

22 "Semitrailer" means every vehicle with or without motive power,  
23 other than a pole trailer, designed for carrying persons or property  
24 and for being drawn by a motor vehicle and so constructed that  
25 some part of its weight and that of its load rests upon or is carried  
26 by another vehicle.

27 "Shipper" means any person who shall deliver, or cause to be  
28 delivered, any commodity, produce or article for transportation as  
29 the contents or load of a commercial motor vehicle. In the case of a  
30 sealed ocean container, "shipper" shall not be construed to include  
31 any person whose activities with respect to the shipment are limited  
32 to the solicitation or negotiation of the sale, resale, or exchange of  
33 the commodity, produce or article within that container.

34 "Shoulder" means that portion of the highway, exclusive of and  
35 bordering the roadway, designed for emergency use but not  
36 ordinarily to be used for vehicular travel.

37 "Sidewalk" means that portion of a highway intended for the use  
38 of pedestrians, between the curb line or the lateral line of a  
39 shoulder, or if none, the lateral line of the roadway and the adjacent  
40 right-of-way line.

41 "Sign." See "Official traffic control devices."

42 "Slow-moving vehicle" means a vehicle run at a speed less than  
43 the maximum speed then and there permissible.

44 "Solid tire" means every tire of rubber or other resilient material  
45 which does not depend upon compressed air for the support of the  
46 load.

1 "Street" means the same as highway.

2 "Street car" means a car other than a railroad train, for  
3 transporting persons or property and operated upon rails principally  
4 within a municipality.

5 "Stop," when required, means complete cessation from  
6 movement.

7 "Stopping or standing," when prohibited, means any cessation of  
8 movement of a vehicle, whether occupied or not, except when  
9 necessary to avoid conflict with other traffic or in compliance with  
10 the directions of a police officer or traffic control sign or signal.

11 "Suburban business or residential district" means that portion of  
12 highway and the territory contiguous thereto, where within any  
13 1,320 feet along that highway there is land in use for business or  
14 residential purposes and that land occupies more than 660 feet of  
15 frontage on one side or collectively more than 660 feet of frontage  
16 on both sides of that roadway.

17 "Through highway" means every highway or portion thereof at  
18 the entrances to which vehicular traffic from intersecting highways  
19 is required by law to stop before entering or crossing the same and  
20 when stop signs are erected as provided in this chapter.

21 "Trackless trolley" means every motor vehicle which is propelled  
22 by electric power obtained from overhead trolley wires but not  
23 operated upon rails.

24 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
25 street cars, and other conveyances either singly, or together, while  
26 using any highway for purposes of travel.

27 "Traffic control signal" means a device, whether manually,  
28 electrically, mechanically, or otherwise controlled, by which traffic  
29 is alternately directed to stop and to proceed.

30 "Trailer" means every vehicle with or without motive power,  
31 other than a pole trailer, designed for carrying persons or property  
32 and for being drawn by a motor vehicle and so constructed that no  
33 part of its weight rests upon the towing vehicle.

34 "Truck" means every motor vehicle designed, used, or  
35 maintained primarily for the transportation of property.

36 "Truck tractor" means every motor vehicle designed and used  
37 primarily for drawing other vehicles and not so constructed as to  
38 carry a load other than a part of the weight of the vehicle and load  
39 so drawn.

40 "Van pooling" means seven or more persons commuting on a  
41 daily basis to and from work by means of a vehicle with a seating  
42 arrangement designed to carry seven to 15 adult passengers.

43 "Vehicle" means every device in, upon or by which a person or  
44 property is or may be transported upon a highway, excepting  
45 devices moved by human power or used exclusively upon stationary  
46 rails or tracks or motorized bicycles.

47 (cf: P.L.2016, c.35, s.1)

- 1           2. R.S.39:4-138 is amended to read as follows:  
2           39:4-138. Except when necessary to avoid conflict with other  
3 traffic or in compliance with the directions of a traffic or police  
4 officer or traffic sign or signal, no operator of a vehicle shall stand  
5 or park the vehicle in any of the following places:  
6           a. Within an intersection;  
7           b. On a crosswalk;  
8           c. Between a safety zone and the adjacent curb or within at  
9 least 20 feet of a point on the curb immediately opposite the end of  
10 a safety zone;  
11          d. In front of a public or private driveway;  
12          e. (1) Within 25 feet of the nearest crosswalk or side line of a  
13 street or intersecting highway, except at alleys and as provided in  
14 section 2 of P.L.2009, c.257 (C.39:4-138.6); or  
15          (2) Within 10 feet of the nearest crosswalk or side line of a  
16 street or intersecting highway, if a curb extension or bulbout has  
17 been constructed at that crosswalk;  
18          f. On a sidewalk;  
19          g. In any appropriately marked "No Parking" space established  
20 pursuant to the duly promulgated regulations of the Commissioner  
21 of Transportation;  
22          h. Within 50 feet of a "stop" sign except as provided in section  
23 2 of P.L.2009, c.257 (C.39:4-138.6);  
24          i. Within 10 feet of a fire hydrant;  
25          j. Within 50 feet of the nearest rail of a railroad crossing;  
26          k. Within 20 feet of the driveway entrance to any fire station  
27 and on the side of a street opposite the entrance to any fire station  
28 within 75 feet of said entrance, when properly signposted;  
29          l. Alongside or opposite any street excavation or obstruction  
30 when stopping, standing, or parking would obstruct traffic, when  
31 properly signposted;  
32          m. On the roadway side of any vehicle stopped or parked at the  
33 edge or curb of a street;  
34          n. Upon any bridge or other elevated structure upon a highway,  
35 or within a highway tunnel or underpass, or on the immediate  
36 approaches thereto except where space for parking is provided;  
37          o. In any space on public or private property appropriately  
38 marked for vehicles for persons with disabilities pursuant to  
39 P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-  
40 119 et seq.) or any other applicable law unless the vehicle is  
41 authorized by law to be parked therein and a person with a  
42 disability is either the driver or a passenger in that vehicle. State,  
43 county, or municipal law enforcement officers or parking  
44 enforcement authority officers shall enforce the parking restrictions  
45 on spaces appropriately marked for vehicles for persons with  
46 disabilities on both public and private property;  
47          p. In any space in an electric vehicle charging location if the  
48 vehicle is not connected to the charging equipment and where the

1 location is clearly marked 1) as an electric vehicle charging  
2 location, 2) as designated for electric vehicle charging only, and 3)  
3 to indicate that violators are subject to a penalty.

4 No person shall move a vehicle not lawfully under the person's  
5 control into any such prohibited area or away from a curb such  
6 distance as is unlawful.  
7 (cf: P.L.2017, c.131, s.157)

8  
9 3. This act shall take effect immediately.

10

11

12

### STATEMENT

13

14 This bill adds electric vehicle charging locations to the places an  
15 operator of a motor vehicle is prohibited from parking in certain  
16 circumstances. Under the bill, an individual is prohibited from  
17 parking in an electric vehicle charging location if the vehicle is not  
18 connected to the charging equipment and if the location is clearly  
19 marked 1) as an electric vehicle charging location, 2) as designated  
20 for electric vehicle charging only, and 3) to indicate that violators  
21 are subject to a penalty. The bill defines “electric vehicle charging  
22 location” as a publicly accessible parking space or set of parking  
23 spaces, with visible signage designating that the parking space or  
24 spaces are available for use by the public for charging plug-in  
25 electric vehicles.

26 Many electric vehicle drivers report that non-electric vehicles are  
27 often parked in electric vehicle charging locations. Sometimes this  
28 can occur because the driver of the non-electric vehicle did not  
29 notice the spot was intended for electric vehicle charging because of  
30 unclear or confusing signage, but many times, the non-electric  
31 vehicle driver simply disregards the designation of the spot.  
32 Unfortunately, many non-electric vehicle drivers do not realize how  
33 critical these locations are to electric vehicle drivers. Parking in an  
34 electric vehicle charging location is equivalent to blocking gas  
35 pumps, except that there are far more gas stations than electric  
36 vehicle charging locations. This bill will help deter non-electric  
37 vehicle drivers from parking in electric vehicle charging locations  
38 and will allow law enforcement officers to enforce penalties on  
39 individuals who violate the bill’s provisions.